

Town of Lunenburg Conservation Commission

Bob Pease, Chair
Richard Bursch, Vice Chair
Patricia Adams
Catie Childs
Jack Rabbitt
Jeffrey Viviano
Michael Larouche
Richard Tremblay, Associate
Mary Wilson, Associate



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Matthew S. Marro,
Conservation Administrator

May 4, 2022
7:00 PM .
minutes

ZOOM REMOTE

Call to Order BP called the meeting to order with all members present except PA
Announcements

Public Comment *Comments are to be limited to 3 minutes and on a subject matter under the direct jurisdiction of the commission. Comments about current agenda items are to be made during the comment period of the specific agenda item. Please address all comments to the Chair.*

BP: 3 National Honor Society students went and picked up trash for the table rock area. DPW is asking if a volunteer can bring the trash to DPW for disposal as they are currently short staffed.

Minutes of previous meetings – April 6, 2022 April 20, 2022 Minutes- will be considered at the May 18 meeting

Appointments/Hearings –commences at 7 PM

1.Mary Wilson – Report on Conservation Commission Earth Day event

Mary Wilson made a presentation of the earth day activities from Sunday April 24, 2022. There were 38 volunteers including the Lunenburg Snow Riders, the Honor Society and the Girl Scouts, with advertising from the Ledger. There were 146 volunteer hours put in for the efforts. She outlined the debris materials that were picked up.

2. Kroll- 398 Sunset Lane Request for field change

Greg Roy outlined the prior approval history and the work involved. Mr Roy noted the revised house plan is smaller than what was previously approved, resulting in the house being pulled away further from the lake. He noted that the offsets were maintained. He noted the net result within the work of the 30 and 50 foot zones are reduced. RB noted that due to the reduced work, he has no objection of a field change. JR examined the docks to ensure they were previously approved. Mr Roy noted that the change is that one of the docks is being converted to a temporary dock. A motion by ML was made to approve the filed change. JV seconded and the commission voted unanimously to approve the motion.

PUBLIC HEARINGS

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, The Conservation Commission will hold a public hearing on an amendment request by Nick Eaton to a previously issued Order of Conditions 208-1240 for 411 Townsend Harbor Road. The amendment request is for a wall replacement and replanting plan adjustment

Jack Maloney appeared before the commission and outlined the changes requested for the amendment. JR noted he would like to see more aggressive tree planting that was proposed. RB mentioned he would agree with JR. ML asked about how long would it take to have shade value as proposed. Mr Maloney noted that there is preexisting pines trees that line the shore line and still have little value. He noted that the site has limited room and if the planting is too dense it could compromise the health of the trees. JR expressed the opinion there was room for a half dozen new trees.

Nick Eaton noted that he felt he was fulfilling a request of cleaning out the trees and the beach and if there is too much planting, then he may withdraw his request for an amendment. BP noted that he has an approval for the prior septic system and all we are approving is the removal of 2 trees and replanting.

MM noted that in his opinion that we can only re-examine the area under consideration for and perhaps under regulation six trees is sufficient. Mr Eaton reiterated that he thinks there are too many trees to be planted. He is attempting to fix the issues created by the contractor.

MM reviewed with Jack Maloney the trees that were removed and the trees to be removed and reviewed the local by law and the 30 foot no touch zone. He recommended the commission examine a further combination of tree and shrub planting JR examined the say involved with the Hickory Hills landowner association. Mr Maloney made the commission aware that the association was notified as an abutter. JV expressed the opinion that three within the 39 and three within the 50 foot could be sufficient to re-establish the shade value. Associate member Tremblay examined the areas where the trees were proposed to be planted on the plan within the 30 foot zone. MM reviewed the shade pattern on the lot. JR moved that the amendment be approved with six maples to be planted in locations to be determined in working with the administrator to determine the locations. JV asked for clarification of location relative to the 30 and 50 foot zones. RB noted that placing within 30 feet would be consistent with the regulation. JR revised his motion to be consistent with the 30 foot zone. RB seconded. Nick Eaton asked for clarification. BP summarized the motion. Nick Eaton asked for three to be in the 30 and three to be in the 50-foot zones. The motion was approved by a 5 to 1 vote with JV dissenting. Nick Eaton noted he would leave the wall and keep the trees. BP noted that it was his decision.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, the Conservation Commission will hold a public hearing on a Request for a Determination by Shelby Poulin for the construction of a fence within the buffer zone at 141 Hemlock Dr

Shelby Poulin was present to represent herself. She noted that they wanted to place a four foot fence that is shown on the plan. BP reviewed the plan and noted that it was out of the 30 foot no disturb zone. A motion was made for a negative determination by RB with a second by CC with a unanimous vote to approve the motion by roll call vote.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239 , The Conservation Commission will hold a public hearing on a request for a Determination by John Harrison for the construction of a landing and deck area within the 100 foot buffer zone at 205 Sunset Lane Map 129 Lot 66

Mr Harrison noted that there was a prior approval for stairs. He outlined the proposal for a deck and the work involved. BP noted that we have 2 applications along this stretch of the lake. He outlined a prior project that was approved and there is some issues with the project that is being examined. MM noted that due to a recent change on the maps, the area is now within the habitat polygon and he will check with the endangered species program, that he will speak to the NHESP program. John

Harrison and BP reviewed the requirements of filing a Notice of Intent if a positive determination is given. Mr Harrison had noted the recently completed construction on the other lot. MM noted to Mr. Harrison that the current structure he was referring to is currently in violation. BP was noting that he was of the opinion the proposed plan may not be approved. John Harrison noted other areas that were approved within town. BP noted that much of the other work referred to was prior to regulation. JR noted that parking was brought up and feels there should be a resolution. Mr Harrison noted that the area will be limited to family and will only encompass a couple of cars. JR noted that there are four other areas abutting being considered and perhaps the public safety office should be consulted. JV felt that we should look at what was approved for 120 square feet. He felt 120 square feet would be a satisfactory base line for the commission to guide from. RB noted that the overall use of the small area is becoming to have too much pressure for the small area and felt this would lead to erosion issues. RB noted he would not be in favor of further development. Mr Harrison asked what was approved. JV outlined the prior approved proposal. JR reiterated MM's earlier statement about the abutting project being in violation. BP asked if the commission had any guidance for the applicant. JV suggested a set of stairs with a small decking and additional plantings. A motion was made by RB for a positive determination with a second by JR with a unanimous vote by roll call to approve the motion.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, the Conservation Commission will hold a public hearing on a Notice of Intent by Glenn Maki to construct replace a culvert at 160 Massachusetts Ave.

Mika Lassilla from SJ Mullaney represented the applicant. He outlined the plan for the commission as to the current condition of the culvert and the repairs necessary. He outlined the replacement dimensions of the culvert, the erosion controls and the methodology of how the culvert maintains flow, and wetland hydrology above and below the culvert. He reviewed the channel condition with JR. JR reviewed the lowering of the pond. It was noted the pond would be lowered $\frac{1}{2}$ to one foot. It was noted the pond is 8 feet deep on average. RB asked if there was a schedule of work. The work outline was reviewed. It was noted that DEP has not issued a file number at this point. RB moved to continue to May 18 with a second by CC and a unanimous vote to approve

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, The Conservation Commission will hold a public hearing on a Notice of Intent by Fitchburg Land property Owner LLC to construct a 367,000 square foot warehouse and distribution facility with parking and storm water controls at 260 Fahlulah Road

Chris Anderson reviewed the scope of work, the limit of work in relation to wetlands and the current condition of the site in question. He noted the restoration work previously approved will commence within the summer months. He outlined the condition of the river front as being disturbed. He also reviewed the limit of work and the direction of storm water flow. He reviewed the proposed alteration versus restoration areas as required under the wetland protection act. Jr asked the location of the 200 foot river front. RB examined the parking areas outlined on the plans . He also examined the invasive species area. BP asked the applicant who was reviewing the project for the planning board. It was also noted the project is also in front of Fitchburg Conservation. The Applicant requested a continuance to May 18. RB asked if the commission could consider potentially hiring a third party inspector. RB requested that that an area of invasive species be remediated and the applicant agreed to do so. The owner of the property indicated a willing ness to fund a third party inspector. The meeting was continued until May 18 by a motion of ML and a second by RB with a unanimous roll call vote approving the motion.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, Conservation Commission will hold a public hearing on a Request for a determination by Jason Zirkle for landscaping and regrading a 20 by 25 foot section of front yard, removal of a 14 by 20 foot section of driveway to be replaced with a storm water control feature, replace a section of driveway with new pavement and the placement of Vinyl Siding on the garage at 379 Townsend Harbor road

Jason Zirkle represented himself and outlined the scope of work. JR described the site and checked the site and outlined his opinion. He noted that there was a reduction of impervious and focused on the on site drainage patterns. JR discussed the flow issues. BP reviewed the pictures and narrative submitted by the applicant. RB asked if the buffer lines could get placed on the plans. The applicant noted he has a contractor that could submit the revisions to the drawing showing the buffer lines.

Robin Jacobs, abutter, expressed concerns if there was any plans showing any potential drainage redirection and wanted to see an engineered plan.

JR asked when the work would be done. Mr Zirkle indicated the front yard would be completed first, then the new driveway and the drainage and garage would be finished simultaneously over a year period. Mr Zirkle will update the drawing

Robin Jacobs outlined that she had sent a video to the commission and wanted to ask if the work proposed would be sufficient and would not affect other properties.

Richard Tremblay, associate asked if the commission would be better off receiving an engineered drawing.

Robin Jacobs reiterated Mr Tremblay's comment.

RB noted that there was existing pavement being removed and did not see a great deal of change and noted with the application for minor work, he did not think the commission can ask for engineering and cannot determine the liability of the future, however, there may be engineering necessary for some of the drainage work proposed.

BP noted the configurations of the property lines and that there was a net positive overall with the work proposed.

ML moved to continue to May 18 with RB seconding and the commission unanimously approved the motion by roll call vote.

Mr Zirkle asked if he could do the front yard work currently. JR noted it was outside of the 50 foot zone and did not see any reason why it couldn't be allowed. Mr Zirkle, based on no objections by the commission can start that work.

RB Signed off of the meeting at 9 46 PM

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, the Conservation Commission will hold a public hearing on a Notice of Intent by Ken Matson for the construction of a single family home within the buffer zone at 71 Watt St

Chuck Caron was present for the applicant. He outlined the work proposed with the commission and the relation to the wetland. He noted the location of driveway in relation to the 50-foot zone. The project did go through the local stormwater process and was approved. He outlined the erosion protection. BP reviewed the driveway composition. JR noted the rain garden. He asked if the driveway would be routed to the pond. Mr. Caron noted that the majority of the driveway is routed to the rain garden. JR noted that there should be a perpetual condition for maintenance.

Susan Walen of 377 Flatt Hill Road. She noted that the notification letter had the wrong address. MM noted that the issue is moot as the abutter is present at the meeting. JR moved to issue an

order of conditions with the condition the homeowner be responsible for perpetual maintenance. ML seconded and the commission vote unanimously by roll call vote to approve the motion.

CONTINUED PUBLIC HEARINGS

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239 The Conservation Commission will hold a public hearing on a request for a Determination by Patricia Vail for the removal of trees within the 100 foot buffer zone at 92 Wilder Rd

92 Wilder ; MM noted that the applicant has withdrawn.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239 The Conservation Commission will hold a public hearing on a Request for a Determination by David Blatt for the removal of trees at 411 Goodrich Street

This was continued to the May 18th meeting by CC and a second by ML with a unanimous vote to approve the motion by roll call vote.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239, The Conservation Commission will hold a public hearing on a Notice of Intent by Matthew and Tara Nazarenko for the construction of stairs, a landing and a dock within the 100 foot buffer zone at 160 Sunset Lane.

Matthew Nazarenko was present to represent himself. He outlined the updated plan showing stairs and a landing. He outlined existing conditions and asked for a 120 square foot deck landing. He noted it was the same size that was approved for the Beers lot. It was noted that current site conditions has no growth. As such the applicant has proposed adding plantings that would slow erosion and prevent foot traffic. JR reviewed the square footage. He noted that he would be amenable to a smaller structure. Matthew Nazarenko noted that there was no trees going to be removed. MM noted this may be exempt from MESA review. JV noted he was satisfied with the plan. MM reviewed the MESA regulations and showed it was exempt. JR revisited the MESA exemption. JR proposed an alternate scope. Matthew Nazarenko reviewed photos of the site and why he is proposing his current scope. CC indicated she could vote on the proposal. ML stated that he feels he is not in favor of the current proposal. JV reiterated it was a reasonable attempt to keep foot traffic off areas prone to erosion and the also noted previous approval was granted to another site. JR asked the applicant if he was willing to continue to the next meeting. The applicant noted he provided JR was invited to go onto the property and he declined. JR noted it was due to the presence of a quorum of members and didn't want to discuss and cause an OML violation. JV moved to issue an Order of Conditions. CC seconded and the motion was approved by a vote of 3 for (BP, JC and CC). Two were against. (ML and JR) Lia Ellowitz noted that there still may be an NHEPS issue. BP asked MM to speak to town counsel concerning the regulation.

Pursuant to MGL ch 131, s 40 and Lunenburg Wetlands Bylaw and regulations as listed in chapter 239 , The Conservation Commission will hold a public hearing on a request for a Determination by John Welton for the construction of stairs, a landing and a dock within the 100 foot buffer zone at 205 Sunset Lane Map 129 Lot 68

Mr John Welton reviewed the amended scope. JR reviewed the scope of the trees to be removed. MM noted this may not meet the exemption criteria. JR noted he would not support a deck that is proposed. JV and CC noting that they would be amendable to allowing the work depending on the NHESP opinion. ML noted that he was not in favor of the proposal as he felt there were many considerations not being taken into account. Matthew Nazarenko supported the proposal by Mr. Welton. JV made the motion to continue to May 18th seconded by CC . Mr Welton noted he has off street parking available. The motion passed by a vote of 4 to 1 (ML abstaining)

CC excused herself from the meeting at 10:55.

NEW BUSINESS -

Discussion of Properties on the Tax Lien Sale List

Old Business- update on encroachment issues at :

192 Townsend harbor Road
214 Townsend harbor Road
240 Townsend Harbor Road
104 Woodland Drive
116 Woodland Drive

Update on maintenance work at Hollis Road residence.

ENFORCEMENT:

Violations (Enforcement Actions and Administrative Hearings).
238 Fire Road 16

MM noted that there was an as built submitted that day and felt the need for the commission to have time to review it. Butch Magurn requested that they be allowed to place the pavement down and stabilize the area within the areas allowed that are not in violation.

JV noted that he did not see an issue with the Magurns working I the areas that are not in violation.

JR noted that he feels a total cease and desist is desirable as he noted the commission didn't create the current situation that exists.

ML noted the patio might be ok to stabilize. Due to a lack of support by a majority of the commission, to lift it, the stop work order remained in place.

Butch Magurn asked that they be notified in advance of site visits as they are living on the property and have dogs.

615 Townsend Street
441 Townsend Harbor Road
NON 48 Oak Ridge
NON 23 Cove Road
190 Peninsula Drive
NON 54 Pine Grove
EO 4 Gabes Place

Update on trails grant – status report, if any.

Certificates of Compliance 70 Oak Ridge Road
Extension Permit –

Committee Reports – Any Update

Administrator's Reports/action items:

Administrators Determination 165 Townsend Harbor Road MM noted that the trees are dead, MM to ask to replant the trees. This was approved by a motion of JR and a second by ML with a unanimous vote to approve by roll call vote.

365 Sunset- MM noted and showed pictures that one stem of a triple stem tree the commission approved last meeting at a prior determination was totally rotted out .He requested the prior determination be modified to allow the remainder to be cut down with one tree replanted in its place. This was approved by a motion of JR and a second by ML with a unanimous vote to approve by roll call vote.

Open space and land and Trail use issues and strategies:

BP Pollinator habitat wanted to place flyer at the Kiosks at the edge of the Kiosks. There was no objection by the commission

The local Girl scouts earned a trex bench and would like to put on the lane property. There was no objection by the Commission..

Nick Eaton noted he had to dig up the deck for his septic install. MM noted that it was part of the original order so it is ok to complete.

Communications / public comment Adjourn Meeting adjourned at 11:35 PM by a motion of JR and seconded by ML with a unanimous vote of the commission by roll call vote

Meeting schedule: Next meeting is May 18, 2022 at 7:00 PM BY ZOOM PLATFORM